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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MMC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CV 08 3412

Norvel R. Wright  
Plaintiff  
Secretary of Defense  
vs. Robert Gates  
Department of Defense  
Agency Defendant(s)

EEOC No.  
SSO-2008-00031X  
CASE NO. YM-07-0014  
EMPLOYMENT DISCRIMINATION  
COMPLAINT

1. Plaintiff resides at:

Address 185 Mount Hamilton Dr.  
City, State & Zip Code Tracy, CA 95376  
Phone (209) 838-9530

2. Defendant is located at:

DCMA Northern California  
Address P.O. Box 2321700 E. Roth rd 9330  
City, State & Zip Code French Camp, CA 95231-0232

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is conferred on this Court by 42 U.S.C. Section 2000e-5. Equitable and other relief is sought under 42 U.S.C. Section 2000e-5(g).

4. The acts complained of in this suit concern:

- a. Failure to employ me.  
b. Termination of my employment.

- 1 c. ☒ Failure to promote me.  
 2 d. ☒ Other acts as specified below.

3  
 4 Verbal Abuse, Retaliation / reprisal  
 5 and Racism  
 6  
 7  
 8

9 5. Defendant's conduct is discriminatory with respect to the following:

- 10 a. ☒ My race or color.  
 11 b. ☐ My religion.  
 12 c. ☐ My sex.  
 13 d. ☐ My national origin.  
 14 e. ☒ Other as specified below.  
 15

16 6. The basic facts surrounding my claim of discrimination are:

17 Detail written documentation  
 18  
 19  
 20  
 21  
 22  
 23  
 24

25 7. The alleged discrimination occurred on or about 2003 / 2008

26 (DATE)

27 8. I filed charges with the Federal Equal Employment Opportunity Commission (or the  
 28 California Department of Fair Employment and Housing) regarding defendant's alleged

1 discriminatory conduct on or about 2001  
2 (DATE)

3 9. The Equal Employment Opportunity Commission issued a Notice-of-Right-to-Sue letter  
4 (copy attached), which was received by me on or about April 28, 2008  
5 (DATE)

6 10. Plaintiff hereby demands a jury for all claims for which a jury is permitted:  
7 Yes ☐ NO ☒

8 11. WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate,  
9 including injunctive orders, damages, costs, and attorney fees.

10  
11 DATED: July 14, 2008

Norvel R. Wright  
SIGNATURE OF PLAINTIFF

12  
13  
14 (PLEASE NOTE: NOTARIZATION  
15 IS NOT REQUIRED.)

Norvel R. Wright  
PLAINTIFF'S NAME  
(Printed or Typed)



**DEFENSE CONTRACT MANAGEMENT AGENCY**

6350 WALKER LANE, SUITE 300  
ALEXANDRIA, VIRGINIA 22310-3241

IN REPLY  
REFER TO DCMA-DSO

April 23, 2008

Mr. Norvel R. Wright  
185 Mount Hamilton Drive  
Tracy, CA 95376

Dear Mr. Wright:

This is the final order of the Defense Contract Management Agency (DCMA) on Case Number YM-07-0014, your complaint of employment discrimination. This final order is issued pursuant to Title 29 of the Code of Federal Regulations (CFR) § 1614.110(a).

You exercised your right to have this complaint heard before an Administrative Judge appointed by the U.S. Equal Employment Opportunity Commission (EEOC). The case was docketed, EEOC case number 550-2008-00031X. On January 17, 2008, the agency representative at hearing filed MOTION FOR SUMMARY JUDGEMENT. Your representative filed a REBUTTAL OF AGENCY'S MOTION FOR SUMMARY JUDGEMENT on February 28, 2008. On March 31, 2008, the assigned EEOC Administrative Judge forwarded a DECISION PURSUANT TO 29 CFR § 1614.109(g). The decision finds that the standards for issuance of decision without a hearing were met and discussed the selections at issue in detail, as well as the claim involving manipulation of the selection process. The decision finds that "the Complainant has failed to raise a genuine issue of material fact that the Agency discriminated against him on the basis of race, color, or prior EEO activity when he was not promoted to a GS-1101-13 ACO position based on accretion of duties, or when he was denied the opportunity to compete for the two GS-1101-13 positions." A copy of the EEOC Administrative Judge's decision was provided to you at that time and an additional copy is attached.

It is the final order of the DCMA to adopt and fully implement the EEOC Administrative Judge's decision in this case. No corrective action is required or authorized. It appears from the record that you were not represented by an attorney at any time in the processing of this case, and, in any event, you are not a prevailing party, so you are not entitled to recovery of damages, legal fees, or costs.

This is the final order of the DCMA on the substantive issues in this complaint, the corrective action relating thereto, and on the question of your entitlement to legal fees and costs or compensatory damages. In accordance with EEOC regulation



29 CFR §§ 1614.401 and 402, the final order of the Agency in this matter may be appealed to EEOC within 30 days of your receipt of this final order.

Appeals to the EEOC should be forwarded to:

U.S. Equal Employment Opportunity Commission  
Office of Federal Operations  
P.O. Box 19848  
Washington, DC 20036

Appeals to the EEOC may be personally delivered to the EEOC, Office of Federal Operations, 1801 L Street, NW, Washington, DC 20507, or sent by facsimile [(202) 663-7022]. You should use or at least enclose EEOC Form 573, Notice of Appeal/ Petition, which is also attached, and you should indicate what matter you are appealing.

If you elect to file an appeal with the EEOC, you are required to furnish a copy of the appeal to the undersigned:

Defense Contract Management Agency  
ATTN: DCMA-DSO [C. J. Miller]  
6350 Walker Lane, Suite 300  
Alexandria, VA 22310-3241

In or attached to the appeal, you must certify the date and method by which service was made on the Agency.

If you do not file an appeal within the 30-day time limit, the appeal will be untimely and shall be subject to dismissal by the EEOC.

If you elect to file an appeal with the EEOC, any statement or brief in support of the appeal must be submitted to the EEOC, with a copy to the undersigned, within 30 calendar days of filing the Notice of Appeal. The EEOC Office of Federal Operations will accept briefs or statements in support of an appeal by facsimile transmission [(202) 663-7022], provided they are no more than 10 pages long.

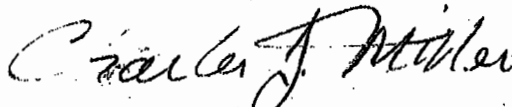
In lieu of an appeal to the EEOC, you may file a civil action in an appropriate U.S. District Court within 90 calendar days of your receipt of this decision.

If an appeal to the EEOC is filed, a civil action may be filed in a U.S. District Court within 90 calendar days of receipt of the EEOC's final decision. A civil action may be filed any time after 180 calendar days of filing an appeal to the EEOC if there has been no final decision by the EEOC.

If a civil action is filed, and you wish to assert that you do not have or are unable to obtain the services of a lawyer, the court may be requested to appoint a lawyer to represent you in connection with the complaint. In such circumstances as the court may deem just, the court may appoint a lawyer and may authorize the commencement of the action without the payment of fees, costs, or security. Any such request must be made within the 90-day time limit for filing suit referenced above and must be submitted in such form and manner as the court may require.

If a civil action is filed, the appropriate department or agency head, as well as his/her official title, must be named as the defendant. Failure to name the head of the department or agency and his/her official title may result in the loss of any judicial redress to which you may be entitled. DCMA is a component of the Department of Defense (DoD). DoD has determined that the Honorable Robert M. Gates, Secretary of Defense, shall be named as the defendant in any civil action filed against a DoD component.

Sincerely,



CHARLES J. MILLER  
Director, Equal Employment Opportunity

Attachments

cc: (w/o Attachments)  
Ms. Terri B. Brodie  
Mr. J. Gandara  
DCMA-GC